



House of Representatives

General Assembly

File No. 248

February Session, 2004

Substitute House Bill No. 5044

House of Representatives, March 25, 2004

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes, as amended by section
2 20 of public act 03-19, is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2004*):

4 (a) (1) At least once every ten years, the commission shall prepare or
5 amend and shall adopt a plan of conservation and development for the
6 municipality. Following adoption, the commission shall regularly
7 review and maintain such plan. The commission may adopt such
8 geographical, functional or other amendments to the plan or parts of
9 the plan, in accordance with the provisions of this section, as it deems
10 necessary. The commission may, at any time, prepare, amend and
11 adopt plans for the redevelopment and improvement of districts or
12 neighborhoods which, in its judgment, contain special problems or

13 opportunities or show a trend toward lower land values.

14 (2) If a plan is not amended decennially, the chief elected official of
15 the municipality shall submit a letter to the Secretary of the Office of
16 Policy and Management and the Commissioners of Transportation,
17 Environmental Protection and Economic and Community
18 Development that explains why such plan was not amended. Until the
19 plan is amended in accordance with this subsection, a copy of such
20 letter shall be included in each application by the municipality for
21 funding for the conservation or development of real property
22 submitted to said secretary or commissioners.

23 (b) In the preparation of such plan, the commission may appoint
24 one or more special committees to develop and make
25 recommendations for the plan. The membership of any special
26 committee may include: Residents of the municipality and
27 representatives of local boards dealing with zoning, inland wetlands,
28 conservation, recreation, education, public works, finance,
29 redevelopment, general government and other municipal functions. In
30 performing its duties under this section, the commission or any special
31 committee may accept information from any source or solicit input
32 from any organization or individual. The commission or any special
33 committee may hold public informational meetings or organize other
34 activities to inform residents about the process of preparing the plan.

35 (c) In preparing such plan, the commission or any special committee
36 shall consider the following: (1) The community development action
37 plan of the municipality, if any, (2) the need for affordable housing, (3)
38 the need for protection of existing and potential public surface and
39 ground drinking water supplies, (4) the use of cluster development
40 and other development patterns to the extent consistent with soil
41 types, terrain and infrastructure capacity within the municipality, (5)
42 the state plan of conservation and development adopted pursuant to
43 chapter 297, (6) the regional plan of development adopted pursuant to
44 section 8-35a, as amended by this act, (7) physical, social, economic
45 and governmental conditions and trends, (8) the needs of the

46 municipality including, but not limited to, human resources,
47 education, health, housing, recreation, social services, public utilities,
48 public protection, transportation and circulation and cultural and
49 interpersonal communications, and (9) the objectives of energy-
50 efficient patterns of development, the use of solar and other renewable
51 forms of energy and energy conservation.

52 (d) (1) Such plan of conservation and development shall (A) be a
53 statement of policies, goals and standards for the physical and
54 economic development of the municipality, (B) provide for a system of
55 principal thoroughfares, parkways, bridges, streets, sidewalks and
56 other public ways as appropriate, (C) be designed to promote, with the
57 greatest efficiency and economy, the coordinated development of the
58 municipality and the general welfare and prosperity of its people and
59 identify areas where it is feasible and prudent (i) to have compact,
60 transit accessible, pedestrian-oriented mixed use development patterns
61 and land reuse, and (ii) to promote such patterns and reuse, [(C)] (D)
62 recommend the most desirable use of land within the municipality for
63 residential, recreational, commercial, industrial, conservation and
64 other purposes and include a map showing such proposed land uses,
65 [(D)] (E) recommend the most desirable density of population in the
66 several parts of the municipality, [(E)] (F) note any inconsistencies [it
67 may have with the state plan of conservation and development
68 adopted pursuant to chapter 297, (F)] with the following growth
69 management principles: (i) Redevelopment and revitalization of
70 commercial centers and areas of mixed land uses with existing or
71 planned physical infrastructure; (ii) expansion of housing
72 opportunities and design choices to accommodate a variety of
73 household types and needs; (iii) concentration of development around
74 transportation nodes and along major transportation corridors to
75 support the viability of transportation options and land reuse; (iv)
76 conservation and restoration of the natural environment, cultural and
77 historical resources and existing farmlands; (v) protection of
78 environmental assets critical to public health and safety and; (vi)
79 integration of planning across all levels of government to address
80 issues on a local, regional and state-wide basis, (G) make provision for

81 the development of housing opportunities, including opportunities for
82 multifamily dwellings, consistent with soil types, terrain and
83 infrastructure capacity, for all residents of the municipality and the
84 planning region in which the municipality is located, as designated by
85 the Secretary of the Office of Policy and Management under section
86 16a-4a, [(G)] (H) promote housing choice and economic diversity in
87 housing, including housing for both low and moderate income
88 households, and encourage the development of housing which will
89 meet the housing needs identified in the housing plan prepared
90 pursuant to section 8-37t and in the housing component and the other
91 components of the state plan of conservation and development
92 prepared pursuant to chapter 297. In preparing such plan the
93 commission shall consider focusing development and revitalization in
94 areas with existing or planned physical infrastructure.

95 (2) For any municipality that is contiguous to Long Island Sound,
96 such plan shall be (A) consistent with the municipal coastal program
97 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
98 reasonable consideration for restoration and protection of the
99 ecosystem and habitat of Long Island Sound, and (C) designed to
100 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
101 Long Island Sound.

102 (e) Such plan may show the commission's and any special
103 committee's recommendation for (1) conservation and preservation of
104 traprock and other ridgelines, (2) [a system of principal thoroughfares,
105 parkways, bridges, streets and other public ways, (3)] airports, parks,
106 playgrounds and other public grounds, [(4)] (3) the general location,
107 relocation and improvement of schools and other public buildings,
108 [(5)] (4) the general location and extent of public utilities and terminals,
109 whether publicly or privately owned, for water, sewerage, light,
110 power, transit and other purposes, [(6)] (5) the extent and location of
111 public housing projects, [(7)] (6) programs for the implementation of
112 the plan, including (A) a schedule, (B) a budget for public capital
113 projects, (C) a program for enactment and enforcement of zoning and
114 subdivision controls, building and housing codes and safety

115 regulations, (D) plans for implementation of affordable housing, [and]
116 (E) plans for open space acquisition and greenways protection and
117 development, and (F) plans for corridor management areas along
118 limited access highways or rail lines, designated under section 16a-27,
119 as amended by this act, (7) proposed priority funding areas, and (8)
120 any other recommendations as will, in the commission's or any special
121 committee's judgment, be beneficial to the municipality. The plan may
122 include any necessary and related maps, explanatory material,
123 photographs, charts or other pertinent data and information relative to
124 the past, present and future trends of the municipality.

125 (f) A plan of conservation and development or any part thereof or
126 amendment thereto prepared by the commission or any special
127 committee shall be reviewed, and may be amended, by the
128 commission prior to scheduling at least one public hearing on
129 adoption. [At least sixty-five days prior to the public hearing on
130 adoption, the commission shall submit a copy of such plan or part
131 thereof or amendment thereto for review and comment to the
132 legislative body. Such body may hold one or more hearings on the
133 proposed plan and shall submit any comments to the commission
134 prior to the public hearing on adoption. The failure of such body to
135 report prior to or at the public hearing shall be taken as approval of the
136 plan.] At least [sixty-five] thirty-five days prior to the public hearing
137 on adoption, the commission shall post the draft plan on the Internet
138 web site of the municipality, if any, and submit a copy of such draft
139 plan to the regional planning agency for review and comment. The
140 regional planning agency shall [report] submit an advisory report
141 along with its comments to the commission at or before the hearing.
142 [The failure of the regional planning agency to report at or before the
143 hearing shall be taken as approval of the plan. The report of the
144 regional planning agency shall be advisory.] Such comments shall
145 include a finding on the consistency of the draft plan with (1) the
146 regional plan of development, adopted under section 8-35a, as
147 amended by this act, (2) the state plan of conservation and
148 development, adopted pursuant to chapter 297, and (3) the plans of
149 conservation and development of other municipalities in the area of

150 operation of the regional planning agency. The commission may revise
151 the draft plan in accordance with the report of the regional planning
152 agency. The commission may render a decision on the plan without
153 the report of the regional planning agency. Prior to the public hearing
154 on adoption, the commission shall file in the office of the town clerk a
155 copy of such draft plan or part thereof or amendment thereto but, in
156 the case of a district commission, such commission shall file such
157 information in the offices of both the district clerk and the town clerk.
158 The commission shall cause to be published in a newspaper having a
159 general circulation in the municipality, at least twice at intervals of not
160 less than two days, the first not more than fifteen days, or less than ten
161 days, and the last not less than two days prior to the date of each such
162 hearing, notice of the time and place of any such public hearing. Such
163 notice shall make reference to the filing of such draft plan in the office
164 of the town clerk, or both the district clerk and the town clerk, as the
165 case may be. After completion of the public hearing, the commission
166 may revise the draft plan. The proposed final plan shall be submitted
167 to the legislative body for its endorsement. The legislative body shall
168 endorse or reject the entire proposed final plan or parts thereof and
169 may submit comments and recommended changes to the commission.
170 In the case of a municipality in which the legislative body is a town
171 meeting, the proposed final plan shall be submitted to the board of
172 selectmen. The board may conduct a public hearing on such plan. Not
173 more than forty-five days after receipt of the plan by the board of
174 selectmen, the entire proposed final plan or parts thereof may be
175 endorsed or rejected at a town meeting and such town meeting may
176 submit comments and recommended changes to the commission.

177 (g) The commission may adopt the plan or any part thereof or
178 amendment thereto by a single resolution or may, by successive
179 resolutions, adopt parts of the plan and amendments thereto. Any
180 plan, section of a plan or recommendation in the plan, not endorsed by
181 the legislative body of the municipality may be adopted by the
182 commission by a vote of not less than two-thirds of all the members of
183 the commission. Upon adoption by the commission, any plan or part
184 thereof or amendment thereto shall become effective at a time

185 established by the commission, provided notice thereof shall be
186 published in a newspaper having a general circulation in the
187 municipality prior to such effective date. Any plan or part thereof or
188 amendment thereto shall be posted on the Internet web site of the
189 municipality, if any, and shall be filed in the office of the town clerk,
190 except that, if it is a district plan or amendment, it shall be filed in the
191 offices of both the district and town clerks. The commission shall
192 notify the Secretary of the Office of Policy and Management of any
193 inconsistency between the plan adopted by the commission and the
194 state plan of conservation and development and the reasons therefor.

195 [(h) Following adoption of a new plan by the commission, the
196 legislative body of any municipality may hold one or more hearings on
197 the proposed plan and, by resolution, may endorse the plan for the
198 municipality.]

199 (h) Any person may submit a proposal to the commission
200 requesting a change to the plan of conservation and development.
201 Such proposal shall be submitted in writing and on a form prescribed
202 by the commission. Notwithstanding the provisions of subsection (a)
203 of section 8-7d, as amended, the commission shall determine if a public
204 hearing shall be held on the proposal not less than thirty-five days
205 after submission. The commission shall hold a public hearing on such
206 proposal if it determines that (1) such hearing is in the public interest,
207 or (2) a petition was submitted to the commission and signed by
208 twenty per cent of the owners of lots in the area impacted by the
209 proposal or by twenty per cent of the owners of lots abutting such
210 area. Except as provided in this section, any public hearing and
211 decision shall be in accordance with the periods of time permitted
212 under said section 8-7d. The commission shall approve, deny or
213 modify the proposal. Notwithstanding the provisions of this section, if
214 the commission determines, at any time after the proposal is received,
215 that such proposal would require changes to the plan of conservation
216 and development that would be a significant change to the policies
217 and goals of the plan of conservation and development, the
218 commission shall consider the proposal in accordance with the

219 provisions of subsection (f) of this section.

220 Sec. 2. Section 8-35a of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective July 1, 2004*):

222 (a) [Each] At least once every ten years, each regional planning
223 agency shall make a plan of development for its area of operation,
224 showing its recommendations for the general use of the area including
225 land use, housing, principal highways and freeways, bridges, airports,
226 parks, playgrounds, recreational areas, schools, public institutions,
227 public utilities and such other matters as, in the opinion of the agency,
228 will be beneficial to the area. Any regional plan so developed shall be
229 based on studies of physical, social, economic and governmental
230 conditions and trends and shall be designed to promote with the
231 greatest efficiency and economy the coordinated development of its
232 area of operation and the general welfare and prosperity of its people.
233 Such plan may encourage energy-efficient patterns of development,
234 the use of solar and other renewable forms of energy, and energy
235 conservation. Such plan shall be designed to promote abatement of the
236 pollution of the waters and air of the region. The regional plan shall
237 identify areas where it is feasible and prudent (1) to have compact,
238 transit accessible, pedestrian-oriented mixed use development patterns
239 and land reuse, and (2) to promote such patterns and reuse and shall
240 note any inconsistencies with the following growth management
241 principles: (A) Redevelopment and revitalization of regional centers
242 and areas of mixed land uses with existing or planned physical
243 infrastructure; (B) expansion of housing opportunities and design
244 choices to accommodate a variety of household types and needs; (C)
245 concentration of development around transportation nodes and along
246 major transportation corridors to support the viability of
247 transportation options and land reuse; (D) conservation and
248 restoration of the natural environment, cultural and historical
249 resources and traditional rural lands; (E) protection of environmental
250 assets critical to public health and safety; and (F) integration of
251 planning across all levels of government to address issues on a local,
252 regional and state-wide basis. The plan of each region contiguous to

253 Long Island Sound shall be designed to reduce hypoxia, pathogens,
254 toxic contaminants and floatable debris in Long Island Sound.

255 (b) Before adopting the regional plan of development or any part
256 thereof or amendment thereto the agency shall hold at least one public
257 hearing thereon, notice of the time, place and subject of which shall be
258 given in writing to the chief executive officer and planning
259 commission, where one exists, of each member town, city or borough,
260 [, and to the Secretary of the Office of Policy and Management, or his
261 designee.] Notice of the time, place and subject of such hearing shall be
262 published once in a newspaper having a substantial circulation in the
263 region. At least sixty-five days before the public hearing the regional
264 planning agency shall post the plan on the Internet web site of the
265 agency, if any, and submit the plan to the Secretary of the Office of
266 Policy and Management for findings in the form of comments and
267 recommendations. Such findings shall include a review of the plan to
268 determine if the proposed regional plan of development is consistent
269 with the state plan of conservation and development. Such notices
270 shall be given not more than twenty days nor less than ten days before
271 such hearing. The regional planning agency shall note on the record
272 any inconsistency with the state plan of conservation and development
273 and the reasons for such inconsistency. Adoption of the plan or part
274 thereof or amendment thereto shall be made by the affirmative vote of
275 not less than a majority of the representatives on the agency. [A] The
276 plan shall be posted on the Internet web site of the agency, if any, and
277 a copy of the plan or of any amendments thereto, signed by the
278 chairman of the agency, shall be transmitted to the chief executive
279 officers, the town, city or borough clerks, as the case may be, and to
280 planning commissions, if any, in member towns, cities or boroughs,
281 and to the Secretary of the Office of Policy and Management, or his
282 designee. The regional planning agency shall notify the Secretary of
283 the Office of Policy and Management of any inconsistency with the
284 state plan of conservation and development and the reasons therefor.

285 (c) The regional planning agency shall revise the plan of
286 development not more than three years after the effective date of this

287 section.

288 (d) The regional planning agency shall assist municipalities within
289 its region and state agencies and may assist other public and private
290 agencies in developing and carrying out any regional plan or plans of
291 such regional planning agency. The regional planning agency may
292 provide administrative, management, technical or planning assistance
293 to municipalities within its region and other public agencies under
294 such terms as it may determine, provided, prior to entering into an
295 agreement for assistance to any municipality or other public agency,
296 the regional planning agency shall have adopted a policy governing
297 such assistance. The regional planning agency may be compensated by
298 the municipality or other public agency with which an agreement for
299 assistance has been made for all or part of the cost of such assistance.

300 Sec. 3. Section 16a-27 of the general statutes, as amended by section
301 10 of public act 03-4 of the June 30 special session, is repealed and the
302 following is substituted in lieu thereof (*Effective July 1, 2004*):

303 (a) The secretary, after consultation with all appropriate state,
304 regional and local agencies and other appropriate persons shall prior
305 to March 1, 2003, complete a revision of the existing plan and enlarge it
306 to include, but not be limited to, policies relating to transportation,
307 energy and air. Any revision made after May 15, 1991, shall identify
308 the major transportation proposals, including proposals for mass
309 transit, contained in the master transportation plan prepared pursuant
310 to section 13b-15. Any revision made after July 1, 1995, shall take into
311 consideration the conservation and development of greenways that
312 have been designated by municipalities and shall recommend that
313 state agencies coordinate their efforts to support the development of a
314 state-wide greenways system. The Commissioner of Environmental
315 Protection shall identify state-owned land for inclusion in the plan as
316 potential components of a state greenways system.

317 (b) Any revision made after August 20, 2003, shall take into account
318 (1) economic and community development needs and patterns of
319 commerce, and (2) linkages of affordable housing objectives and land

320 use objectives with transportation systems.

321 (c) Any revision after July 1, 2004, shall describe the progress
322 towards achievement of the goals and objectives established in the
323 previously adopted state plan of conservation and development and
324 shall identify (1) areas where it is prudent and feasible (A) to have
325 compact, transit accessible, pedestrian-oriented mixed use
326 development patterns and land reuse, and (B) to promote such
327 patterns and reuse, (2) priority funding areas designated under section
328 11 of this act, and (3) corridor management areas on either side of a
329 limited access highway or a rail line. In designating corridor
330 management areas, the secretary shall make recommendations that (A)
331 promote land use and transportation options to reduce the growth of
332 traffic congestion; (B) connect infrastructure and other development
333 decisions; (C) promote development that minimizes the cost of new
334 infrastructure facilities and maximizes the use of existing
335 infrastructure facilities; and (D) increase intermunicipal and regional
336 cooperation.

337 ~~[(b)]~~ (d) Thereafter on or before March first in each revision year the
338 secretary shall complete a revision of the plan of conservation and
339 development.

340 Sec. 4. Section 16a-28 of the general statutes is repealed and the
341 following is substituted in lieu thereof (*Effective July 1, 2004*):

342 (a) The secretary shall present a draft of the revised plan of
343 conservation and development for preliminary review to the
344 continuing legislative committee on state planning and development
345 prior to September first in 2002 and prior to September first in each
346 prerevision year thereafter.

347 (b) After December first in 1985 and after December first in each
348 prerevision year thereafter the secretary shall proceed with such
349 further revisions of the draft of the revised plan of conservation and
350 development as he deems appropriate. The secretary shall, by
351 whatever means he deems advisable, publish said plan and

352 disseminate it to the public on or before March first in revision years.
353 The secretary shall post the plan on the Internet web site of the state.

354 (c) Within five months of publication of said revised plan the
355 secretary shall hold public hearings, in cooperation with regional
356 planning agencies, to solicit comments on said plan.

357 Sec. 5. Section 16a-30 of the general statutes is repealed and the
358 following is substituted in lieu thereof (*Effective July 1, 2004*):

359 (a) The continuing legislative committee on state planning and
360 development shall within thirty-five days of the convening of the next
361 regularly scheduled session of the General Assembly and after public
362 hearing submit the plan with its recommendation for approval or
363 disapproval to the General Assembly. The plan shall become effective
364 when adopted by the General Assembly as the plan of conservation
365 and development for the state. After adoption, the secretary shall post
366 the plan on the Internet web site of the state.

367 (b) In the event that the General Assembly disapproves the plan in
368 whole or in part the plan shall be deemed to be rejected and shall be
369 returned to the committee for appropriate action.

370 (c) Any project included in the first or second phase of UConn 2000,
371 as defined in subdivision (25) of section 10a-109c, shall constitute part
372 of the state plan of conservation and development approved by the
373 General Assembly.

374 Sec. 6. Subsection (a) of section 8-2 of the general statutes is repealed
375 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

376 (a) The zoning commission of each city, town or borough is
377 authorized to regulate, within the limits of such municipality, the
378 height, number of stories and size of buildings and other structures;
379 the percentage of the area of the lot that may be occupied; the size of
380 yards, courts and other open spaces; the density of population and the
381 location and use of buildings, structures and land for trade, industry,
382 residence or other purposes, including water-dependent uses, as

383 defined in section 22a-93, and the height, size and location of
384 advertising signs and billboards. Such bulk regulations may allow for
385 cluster development, as defined in section 8-18. Such zoning
386 commission may divide the municipality into districts of such number,
387 shape and area as may be best suited to carry out the purposes of this
388 chapter; and, within such districts, it may regulate the erection,
389 construction, reconstruction, alteration or use of buildings or
390 structures and the use of land. All such regulations shall be uniform
391 for each class or kind of buildings, structures or use of land throughout
392 each district, but the regulations in one district may differ from those
393 in another district, and may provide that certain classes or kinds of
394 buildings, structures or uses of land are permitted only after obtaining
395 a special permit or special exception from a zoning commission,
396 planning commission, combined planning and zoning commission or
397 zoning board of appeals, whichever commission or board the
398 regulations may, notwithstanding any special act to the contrary,
399 designate, subject to standards set forth in the regulations and to
400 conditions necessary to protect the public health, safety, convenience
401 and property values. Such regulations shall be made in accordance
402 with a comprehensive plan and in adopting such regulations the
403 commission shall consider the plan of conservation and development
404 prepared under section 8-23, as amended by this act, and on and after
405 July 1, 2010, the zoning regulations and map shall be made to be
406 consistent with the map of such plan showing proposed land uses and
407 the recommendations of such plan concerning zoning. Such
408 regulations shall be designed to lessen congestion in the streets; to
409 secure safety from fire, panic, flood and other dangers; to promote
410 health and the general welfare; to provide adequate light and air; to
411 prevent the overcrowding of land; to avoid undue concentration of
412 population and to facilitate the adequate provision for transportation,
413 water, sewerage, schools, parks and other public requirements. Such
414 regulations shall be made with reasonable consideration as to the
415 character of the district and its peculiar suitability for particular uses
416 and with a view to conserving the value of buildings and encouraging
417 the most appropriate use of land throughout such municipality. Such

418 regulations may, to the extent consistent with soil types, terrain,
419 infrastructure capacity and the plan of conservation and development
420 for the community, provide for cluster development, as defined in
421 section 8-18, in residential zones. Such regulations shall also encourage
422 the development of housing opportunities, including opportunities for
423 multifamily dwellings, consistent with soil types, terrain and
424 infrastructure capacity, for all residents of the municipality and the
425 planning region in which the municipality is located, as designated by
426 the Secretary of the Office of Policy and Management under section
427 16a-4a. Such regulations shall also promote housing choice and
428 economic diversity in housing, including housing for both low and
429 moderate income households, and shall encourage the development of
430 housing which will meet the housing needs identified in the housing
431 plan prepared pursuant to section 8-37t and in the housing component
432 and the other components of the state plan of conservation and
433 development prepared pursuant to section 16a-26. Zoning regulations
434 shall be made with reasonable consideration for their impact on
435 agriculture. Zoning regulations may be made with reasonable
436 consideration for the protection of historic factors and shall be made
437 with reasonable consideration for the protection of existing and
438 potential public surface and ground drinking water supplies. On and
439 after July 1, 1985, the regulations shall provide that proper provision
440 be made for soil erosion and sediment control pursuant to section 22a-
441 329. Such regulations may also encourage energy-efficient patterns of
442 development, the use of solar and other renewable forms of energy,
443 and energy conservation. The regulations may also provide for
444 incentives for developers who use passive solar energy techniques, as
445 defined in subsection (b) of section 8-25, as amended by this act, in
446 planning a residential subdivision development. The incentives may
447 include, but not be limited to, cluster development, higher density
448 development and performance standards for roads, sidewalks and
449 underground facilities in the subdivision. Such regulations may
450 provide for a municipal system for the creation of development rights
451 and the permanent transfer of such development rights, which may
452 include a system for the variance of density limits in connection with

453 any such transfer. Such regulations may also provide for notice
454 requirements in addition to those required by this chapter. Such
455 regulations may provide for conditions on operations to collect spring
456 water or well water, as defined in section 21a-150, as amended,
457 including the time, place and manner of such operations. No such
458 regulations shall prohibit the operation of any family day care home or
459 group day care home in a residential zone. Such regulations shall not
460 impose conditions and requirements on manufactured homes having
461 as their narrowest dimension twenty-two feet or more and built in
462 accordance with federal manufactured home construction and safety
463 standards or on lots containing such manufactured homes which are
464 substantially different from conditions and requirements imposed on
465 single-family dwellings and lots containing single-family dwellings.
466 Such regulations shall not impose conditions and requirements on
467 developments to be occupied by manufactured homes having as their
468 narrowest dimension twenty-two feet or more and built in accordance
469 with federal manufactured home construction and safety standards
470 which are substantially different from conditions and requirements
471 imposed on multifamily dwellings, lots containing multifamily
472 dwellings, cluster developments or planned unit developments. Such
473 regulations shall not prohibit the continuance of any nonconforming
474 use, building or structure existing at the time of the adoption of such
475 regulations. Such regulations shall not provide for the termination of
476 any nonconforming use solely as a result of nonuse for a specified
477 period of time without regard to the intent of the property owner to
478 maintain that use. Any city, town or borough which adopts the
479 provisions of this chapter may, by vote of its legislative body, exempt
480 municipal property from the regulations prescribed by the zoning
481 commission of such city, town or borough; but unless it is so voted
482 municipal property shall be subject to such regulations.

483 Sec. 7. (NEW) (*Effective from passage*) (a) On and after July 1, 2010, a
484 zoning commission or combined planning and zoning commission
485 shall not approve a petition requesting a change in the zoning
486 regulations or boundaries of zoning district unless the planning
487 commission or combined planning and zoning commission determines

488 that such change is consistent with the plan of conservation and
489 development adopted by the municipality under section 8-23 of the
490 general statutes, as amended by this act.

491 (b) In the case of a petition to a zoning commission requesting a
492 change in the zoning regulations or boundaries, such zoning
493 commission, not more than thirty-five days after receiving the petition,
494 shall submit the petition to the planning commission for a
495 determination of consistency with the plan of conservation and
496 development. Not more than thirty-five days after receipt of the
497 petition, the planning commission shall make a determination on
498 consistency of the petition with the plan and shall notify the zoning
499 commission of such determination not more than thirty-five days
500 thereafter. If the planning commission determines the petition is not
501 consistent with the plan of conservation and development, the
502 planning commission shall prepare an amendment to the plan. The
503 amendment shall be submitted to the regional planning agency for
504 review and comment in accordance with subsection (f) of section 8-23
505 of the general statutes, as amended by this act. The zoning commission
506 and the planning commission shall conduct a joint public hearing on
507 the amendment if either commission finds that (1) such hearing is in
508 the public interest, or (2) a petition was submitted to the planning
509 commission and signed by twenty per cent of the residents in the area
510 impacted by the proposal or by twenty per cent of the owners of lots
511 abutting such area. If a public hearing is held under this subsection,
512 the zoning commission shall not be required to hold a public hearing
513 on the petition under section 8-3 of the general statutes, as amended by
514 this act. Except as provided in this section, any public hearing and
515 decision shall be in accordance with the periods of time permitted
516 under section 8-7d of the general statutes, as amended, except that a
517 decision shall be rendered by the planning commission within thirty-
518 five days of completion of the amendment and notify the zoning
519 commission of its decision not more than thirty-five days thereafter.
520 Notwithstanding the provisions of this subsection, if the planning
521 commission and the zoning commission jointly determine, at any time
522 after the petition is received, that such petition would require changes

523 to the plan of conservation and development that would be a
524 significant change to the policies and goals of the plan of conservation
525 and development, such planning commission shall consider the
526 proposal in accordance with the provisions of subsection (f) of section
527 8-23 of the general statutes, as amended by this act. The planning
528 commission may approve, deny or modify the amendment. If the
529 planning commission approves or modifies the amendment, not less
530 than thirty-five days after notification of such action, the zoning
531 commission shall determine that the petition to change the zoning
532 regulations or the boundaries of zoning districts is consistent with the
533 plan and may approve such petition. If the planning commission
534 denies the amendment to the plan of conservation and development,
535 the zoning commission shall reject the petition to change the zoning
536 regulations or the boundaries of zoning districts.

537 (c) In the case of a petition to a combined planning and zoning
538 commission requesting a change in the zoning regulations or
539 boundaries, such commission, not more than thirty-five days after
540 receiving such petition, shall make a determination on consistency of
541 the petition with the plan of conservation and development. If the
542 commission determines the petition is not consistent with the plan of
543 conservation and development, it shall prepare an amendment to the
544 plan. The amendment shall be submitted to the regional planning
545 agency for review and comment in accordance with subsection (f) of
546 section 8-23 of the general statutes, as amended by this act. The
547 commission shall conduct a public hearing on the amendment if such
548 commission finds that (1) such hearing is in the public interest, or (2) a
549 petition was submitted to the planning and zoning commission and
550 signed by twenty per cent of the residents in the area impacted by the
551 proposal or by twenty per cent of the owners of lots abutting such
552 area. If a public hearing is held under this subsection, the commission
553 shall not be required to hold a public hearing on the petition under
554 section 8-3 of the general statutes, as amended by this act.
555 Notwithstanding the provisions of this subsection, if the planning and
556 zoning commission determines, at any time after the petition is
557 received, that such petition would require changes to the plan of

558 conservation and development that would be a significant change to
559 the policies and goals of the plan of conservation and development,
560 such commission shall consider the proposal in accordance with the
561 provisions of subsection (f) of section 8-23 of the general statutes, as
562 amended by this act. Except as provided in this section, any public
563 hearing and decision shall be in accordance with the periods of time
564 permitted under section 8-7d of the general statutes, as amended,
565 except that a decision shall be rendered by the commission not more
566 than thirty-five days after completion of the public hearing. The
567 planning and zoning commission may approve, deny or modify the
568 amendment. If the commission approves or modifies the amendment it
569 shall determine that the petition to change the zoning regulations or
570 the boundaries of zoning districts is consistent with the plan and may
571 approve such petition. If the commission denies the amendment to the
572 plan, the planning and zoning commission shall reject the petition
573 requesting a change to the regulations or boundaries of zoning
574 districts.

575 Sec. 8. Subsections (a) and (b) of section 8-3 of the general statutes,
576 as amended by section 1 of public act 03-177, are repealed and the
577 following is substituted in lieu thereof (*Effective from passage*):

578 (a) Such zoning commission shall provide for the manner in which
579 regulations under section 8-2 or 8-2j, as amended, and the boundaries
580 of zoning districts shall be respectively established or changed and
581 shall establish procedures for decisions on petitions to change the
582 regulations and boundaries of zoning districts which would require an
583 amendment to the plan of conservation and development. No such
584 regulation or boundary shall become effective or be established or
585 changed until after a public hearing in relation thereto, held by a
586 majority of the members of the zoning commission or a committee
587 thereof appointed for that purpose consisting of at least five members.
588 Such hearing shall be held in accordance with the provisions of section
589 8-7d, as amended. A copy of such proposed regulation or boundary
590 shall be filed in the office of the town, city or borough clerk, as the case
591 may be, in such municipality, but, in the case of a district, in the offices

592 of both the district clerk and the town clerk of the town in which such
593 district is located, for public inspection at least ten days before such
594 hearing, and may be published in full in such paper. The commission
595 may require a filing fee to be deposited with the commission to defray
596 the cost of publication of the notice required for a hearing.

597 (b) Such regulations and boundaries shall be established, changed
598 or repealed only by a majority vote of all the members of the zoning
599 commission, except as otherwise provided in this chapter. [In] On or
600 before July 1, 2010, in making its decision the commission shall take
601 into consideration the plan of conservation and development,
602 prepared pursuant to section 8-23, as amended by this act, and shall
603 state on the record its findings on consistency of the proposed
604 establishment, change or repeal of such regulations and boundaries
605 with such plan. If a protest against a proposed change is filed at or
606 before a hearing with the zoning commission, signed by the owners of
607 twenty per cent or more of the area of the lots included in such
608 proposed change or of the lots within five hundred feet in all
609 directions of the property included in the proposed change, such
610 change shall not be adopted except by a vote of two-thirds of all the
611 members of the commission.

612 Sec. 9. Section 8-25 of the general statutes, as amended by section 6
613 of public act 03-177, is repealed and the following is substituted in lieu
614 thereof (*Effective from passage*):

615 (a) No subdivision of land shall be made until a plan for such
616 subdivision has been approved by the commission. Any person, firm
617 or corporation making any subdivision of land without the approval of
618 the commission shall be fined not more than five hundred dollars for
619 each lot sold or offered for sale or so subdivided. Any plan for
620 subdivision shall, upon approval, or when taken as approved by
621 reason of the failure of the commission to act, be filed or recorded by
622 the applicant in the office of the town clerk within ninety days of the
623 expiration of the appeal period under section 8-8, or in the case of an
624 appeal, within ninety days of the termination of such appeal by

625 dismissal, withdrawal or judgment in favor of the applicant but, if it is
626 a plan for subdivision wholly or partially within a district, it shall be
627 filed in the offices of both the district clerk and the town clerk, and any
628 plan not so filed or recorded within the prescribed time shall become
629 null and void, except that the commission may extend the time for
630 such filing for two additional periods of ninety days and the plan shall
631 remain valid until the expiration of such extended time. All such plans
632 shall be delivered to the applicant for filing or recording not more than
633 thirty days after the time for taking an appeal from the action of the
634 commission has elapsed or not more than thirty days after the date
635 that plans modified in accordance with the commission's approval and
636 that comply with section 7-31 are delivered to the commission,
637 whichever is later, and in the event of an appeal, not more than thirty
638 days after the termination of such appeal by dismissal, withdrawal or
639 judgment in favor of the applicant or not more than thirty days after
640 the date that plans modified in accordance with the commission's
641 approval and that comply with section 7-31 are delivered to the
642 commission, whichever is later. No such plan shall be recorded or filed
643 by the town clerk or district clerk or other officer authorized to record
644 or file plans until its approval has been endorsed thereon by the
645 chairman or secretary of the commission, and the filing or recording of
646 a subdivision plan without such approval shall be void. Before
647 exercising the powers granted in this section, the commission shall
648 adopt regulations covering the subdivision of land. No such
649 regulations shall become effective until after a public hearing held in
650 accordance with the provisions of section 8-7d, as amended. Such
651 regulations shall provide that the land to be subdivided shall be of
652 such character that it can be used for building purposes without
653 danger to health or the public safety, that proper provision shall be
654 made for water, sewerage and drainage, including the upgrading of
655 any downstream ditch, culvert or other drainage structure which,
656 through the introduction of additional drainage due to such
657 subdivision, becomes undersized and creates the potential for flooding
658 on a state highway, and, in areas contiguous to brooks, rivers or other
659 bodies of water subject to flooding, including tidal flooding, that

660 proper provision shall be made for protective flood control measures
661 and that the proposed streets are in harmony with existing or
662 proposed principal thoroughfares shown in the plan of conservation
663 and development as described in section 8-23, as amended by this act,
664 especially in regard to safe intersections with such thoroughfares, and
665 so arranged and of such width, as to provide an adequate and
666 convenient system for present and prospective traffic needs. Such
667 regulations shall also provide that the commission may require the
668 provision of open spaces, parks and playgrounds when, and in places,
669 deemed proper by the planning commission, which open spaces, parks
670 and playgrounds shall be shown on the subdivision plan. Such
671 regulations may, with the approval of the commission, authorize the
672 applicant to pay a fee to the municipality or pay a fee to the
673 municipality and transfer land to the municipality in lieu of any
674 requirement to provide open spaces. Such payment or combination of
675 payment and the fair market value of land transferred shall be equal to
676 not more than ten per cent of the fair market value of the land to be
677 subdivided prior to the approval of the subdivision. The fair market
678 value shall be determined by an appraiser jointly selected by the
679 commission and the applicant. A fraction of such payment the
680 numerator of which is one and the denominator of which is the
681 number of approved parcels in the subdivision shall be made at the
682 time of the sale of each approved parcel of land in the subdivision and
683 placed in a fund in accordance with the provisions of section 8-25b.
684 The open space requirements of this section shall not apply if the
685 transfer of all land in a subdivision of less than five parcels is to a
686 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or
687 first cousin for no consideration, or if the subdivision is to contain
688 affordable housing, as defined in section 8-39a, equal to twenty per
689 cent or more of the total housing to be constructed in such subdivision.
690 Such regulations, on and after July 1, 1985, shall provide that proper
691 provision be made for soil erosion and sediment control pursuant to
692 section 22a-329. Such regulations shall not impose conditions and
693 requirements on manufactured homes having as their narrowest
694 dimension twenty-two feet or more and built in accordance with

695 federal manufactured home construction and safety standards or on
696 lots containing such manufactured homes which are substantially
697 different from conditions and requirements imposed on single-family
698 dwellings and lots containing single-family dwellings. Such
699 regulations shall not impose conditions and requirements on
700 developments to be occupied by manufactured homes having as their
701 narrowest dimension twenty-two feet or more and built in accordance
702 with federal manufactured home construction and safety standards
703 which are substantially different from conditions and requirements
704 imposed on multifamily dwellings, lots containing multifamily
705 dwellings, cluster developments or planned unit developments. The
706 commission may also prescribe the extent to which and the manner in
707 which streets shall be graded and improved and public utilities and
708 services provided and, in lieu of the completion of such work and
709 installations previous to the final approval of a plan, the commission
710 may accept a bond in an amount and with surety and conditions
711 satisfactory to it securing to the municipality the actual construction,
712 maintenance and installation of such improvements and utilities
713 within a period specified in the bond. Such regulations may provide,
714 in lieu of the completion of the work and installations above referred
715 to, previous to the final approval of a plan, for an assessment or other
716 method whereby the municipality is put in an assured position to do
717 such work and make such installations at the expense of the owners of
718 the property within the subdivision. Such regulations may provide
719 that in lieu of either the completion of the work or the furnishing of a
720 bond as provided in this section, the commission may authorize the
721 filing of a plan with a conditional approval endorsed thereon. Such
722 approval shall be conditioned on (1) the actual construction,
723 maintenance and installation of any improvements or utilities
724 prescribed by the commission, or (2) the provision of a bond as
725 provided in this section. Upon the occurrence of either of such events,
726 the commission shall cause a final approval to be endorsed thereon in
727 the manner provided by this section. Any such conditional approval
728 shall lapse five years from the date it is granted, provided the
729 applicant may apply for and the commission may, in its discretion,

730 grant a renewal of such conditional approval for an additional period
731 of five years at the end of any five-year period, except that the
732 commission may, by regulation, provide for a shorter period of
733 conditional approval or renewal of such approval. Any person, firm or
734 corporation who, prior to such final approval, sells or offers for sale
735 any lot subdivided pursuant to a conditional approval shall be fined
736 not more than five hundred dollars for each lot sold or offered for sale.

737 (b) The regulations adopted under subsection (a) of this section shall
738 also encourage energy-efficient patterns of development and land use,
739 the use of solar and other renewable forms of energy, and energy
740 conservation. The regulations shall require any person submitting a
741 plan for a subdivision to the commission under subsection (a) of this
742 section to demonstrate to the commission that such person has
743 considered, in developing the plan, using passive solar energy
744 techniques which would not significantly increase the cost of the
745 housing to the buyer, after tax credits, subsidies and exemptions. As
746 used in this subsection and section 8-2, passive solar energy techniques
747 mean site design techniques which maximize solar heat gain, minimize
748 heat loss and provide thermal storage within a building during the
749 heating season and minimize heat gain and provide for natural
750 ventilation during the cooling season. The site design techniques shall
751 include, but not be limited to: (1) House orientation; (2) street and lot
752 layout; (3) vegetation; (4) natural and man-made topographical
753 features; and (5) protection of solar access within the development.

754 (c) The regulations adopted under subsection (a) of this section,
755 may, to the extent consistent with soil types, terrain, infrastructure
756 capacity and the plan of development for the community, provide for
757 cluster development, and may provide for incentives for cluster
758 development such as density bonuses, or may require cluster
759 development.

760 (d) On and after July 1, 2010, the regulations shall be reviewed, and
761 revised, if needed, to be consistent with a map of the municipal plan of
762 conservation and development, adopted under section 8-23, as

763 amended by this act, showing proposed land uses and the
764 recommendations of such plan concerning subdivisions.

765 Sec. 10. Section 8-26 of the general statutes, as amended by section 7
766 of public act 03-177, is repealed and the following is substituted in lieu
767 thereof (*Effective from passage*):

768 All plans for subdivisions and resubdivisions, including
769 subdivisions and resubdivisions in existence but which were not
770 submitted to the commission for required approval, whether or not
771 shown on an existing map or plan or whether or not conveyances have
772 been made of any of the property included in such subdivisions or
773 resubdivisions, shall be submitted to the commission with an
774 application in the form to be prescribed by it. The commission shall
775 have the authority to determine whether the existing division of any
776 land constitutes a subdivision or resubdivision under the provisions of
777 this chapter, provided nothing in this section shall be deemed to
778 authorize the commission to approve any such subdivision or
779 resubdivision which conflicts with applicable zoning regulations. Such
780 regulations may contain provisions whereby the commission may
781 waive certain requirements under the regulations by a three-quarters
782 vote of all the members of the commission in cases where conditions
783 exist which affect the subject land and are not generally applicable to
784 other land in the area, provided that the regulations shall specify the
785 conditions under which a waiver may be considered and shall provide
786 that no waiver shall be granted that would have a significant adverse
787 effect on adjacent property or on public health and safety. The
788 commission shall state upon its records the reasons for which a waiver
789 is granted in each case. The commission may establish a schedule of
790 fees and charge such fees. The amount of the fees shall be sufficient to
791 cover the costs of processing subdivision applications, including, but
792 not limited to, the cost of registered or certified mailings and the
793 publication of notices, and the costs of inspecting subdivision
794 improvements. Any schedule of fees established under this section
795 shall be superseded by fees established by ordinance under section 8-
796 1c. [The commission may hold a public hearing regarding any

797 subdivision proposal if, in its judgment, the specific circumstances
798 require such action. No plan of resubdivision shall be acted upon by
799 the commission without a public hearing.] The commission shall
800 conduct a public hearing on a subdivision or resubdivision if a petition
801 is submitted to the commission signed by twenty per cent of the
802 owners of lots included in such proposed subdivision or resubdivision
803 or twenty per cent of the owners of the lots within three hundred feet
804 in all directions of the property included in the proposed subdivision
805 or resubdivision. Such public hearing shall be held in accordance with
806 the provisions of section 8-7d, as amended. The commission shall
807 approve, modify and approve, or disapprove any subdivision or
808 resubdivision application or maps and plans submitted therewith,
809 including existing subdivisions or resubdivisions made in violation of
810 this section, within the period of time permitted under section 8-26d,
811 as amended. Notice of the decision of the commission shall be
812 published in a newspaper having a substantial circulation in the
813 municipality and addressed by certified mail to any person applying to
814 the commission under this section, by its secretary or clerk, under his
815 signature in any written, printed, typewritten or stamped form, within
816 fifteen days after such decision has been rendered. In any case in
817 which such notice is not published within such fifteen-day period, the
818 person who made such application may provide for the publication of
819 such notice within ten days thereafter. Such notice shall be a simple
820 statement that such application was approved, modified and approved
821 or disapproved, together with the date of such action. The failure of
822 the commission to act thereon shall be considered as an approval, and
823 a certificate to that effect shall be issued by the commission on
824 demand. The grounds for its action shall be stated in the records of the
825 commission. No planning commission shall be required to consider an
826 application for approval of a subdivision plan while another
827 application for subdivision of the same or substantially the same parcel
828 is pending before the commission. For the purposes of this section, an
829 application is not "pending before the commission" if the commission
830 has rendered a decision with respect to such application and such
831 decision has been appealed to the Superior Court. If an application

832 involves land regulated as an inland wetland or watercourse under the
833 provisions of chapter 440, the applicant shall submit an application to
834 the agency responsible for administration of the inland wetlands
835 regulations no later than the day the application is filed for the
836 subdivision or resubdivision. The commission shall not render a
837 decision until the inland wetlands agency has submitted a report with
838 its final decision to such commission. In making its decision the
839 commission shall give due consideration to the report of the inland
840 wetlands agency. In making a decision on an application, the
841 commission shall consider information submitted by the applicant
842 under subsection (b) of section 8-25, as amended by this act,
843 concerning passive solar energy techniques. The provisions of this
844 section shall apply to any municipality which exercises planning
845 power pursuant to any special act.

846 Sec. 11. (NEW) (*Effective July 1, 2004*) (a) As used in this section:

847 (1) "Funding" includes any form of assurance, guarantee, grant
848 payment, credit, tax credit or other assistance, including a loan, loan
849 guarantee, or reduction in the principal obligation of or rate of interest
850 payable on a loan or a portion of a loan;

851 (2) "Growth-related project" means any project which includes (A)
852 the acquisition of real property when the acquisition costs are in excess
853 of one hundred thousand dollars, except the acquisition of open space
854 for the purposes of conservation or preservation; (B) the development
855 or improvement of real property when the development costs are in
856 excess of one hundred thousand dollars; (C) the acquisition of public
857 transportation equipment or facilities when the acquisition costs are in
858 excess of one hundred thousand dollars; or (D) the authorization of
859 each state grant, any application for which is not pending on July 1,
860 2005, for an amount in excess of one hundred thousand dollars, for the
861 acquisition or development or improvement of real property or for the
862 acquisition of public transportation equipment or facilities, except the
863 following: (i) Projects for maintenance, repair, additions or renovations
864 to existing facilities, acquisition of land for telecommunications towers

865 whose primary purpose is public safety, parks, conservation and open
866 space, and acquisition of agricultural, conservation and historic
867 easements; (ii) funding by the Department of Economic and
868 Community Development for any project financed with federal funds
869 used to purchase or rehabilitate existing single or multi-family housing
870 or projects financed with the proceeds of revenue bonds if the
871 Commissioner of Economic and Community Development determines
872 that application of this section and sections 13 and 14 of this act (I)
873 conflicts with any provision of federal or state law applicable to the
874 issuance or tax-exempt status of the bonds or any provision of any
875 trust agreement between the Department of Economic and
876 Community Development and any trustee, or (II) would otherwise
877 prohibit financing of an existing project or financing provided to cure
878 or prevent any default under existing financing; (iii) projects that the
879 Commissioner of Economic and Community Development determines
880 promote fair housing choice and racial and economic integration as
881 described in section 8-37cc of the general statutes; (iv) projects at an
882 existing facility needed to comply with state environmental or health;
883 and (v) any other project, funding or other state assistance not
884 included under subparagraphs (A) to (D), inclusive, of this subsection.

885 (3) "Priority funding area" means the area of the state designated
886 under subsection (b) of this section.

887 (b) On or before January 1, 2005, and biennially thereafter, the
888 Secretary of the Office of Policy and Management, in consultation with
889 the Commissioners of Economic and Community Development,
890 Environmental Protection, Administrative Services and Transportation
891 shall develop recommendations for delineation of the boundaries of
892 priority funding areas in the state and for revisions thereafter. In
893 making such recommendations the secretary shall consider areas
894 designated as regional centers, growth areas, neighborhood
895 conservation areas and rural community centers on the state plan of
896 conservation and development, redevelopment areas, distressed
897 municipalities, as defined in section 32-9p of the general statutes;
898 targeted investment communities, as defined in section 32-222 of the

899 general statutes; public investment communities, as defined in section
900 7-545 of the general statutes, enterprise zones, designated by the
901 Commissioner of Economic and Community Development under
902 section 32-70 of the general statutes and corridor management areas
903 identified in the state plan of conservation and development. The
904 secretary shall submit the recommendations to the Continuing
905 Legislative Committee on State Planning and Development established
906 pursuant to section 4-60d of the general statutes for review. The
907 committee shall report its recommendations to the General Assembly
908 on or before February 15, 2005, and every five years thereafter. The
909 boundaries shall become effective upon approval of the General
910 Assembly.

911 Sec. 12. (NEW) (*Effective July 1, 2004*) (a) On and after the approval
912 of the General Assembly of the boundaries of priority funding areas
913 under section 11 of this act, no state agency, department or institution
914 shall provide funding for a growth-related project unless such project
915 is located in a priority funding area.

916 (b) Notwithstanding the provisions of subsection (a) of this section,
917 the state may provide funding for a growth-related project that is not
918 located in a priority funding area if the head of the department, agency
919 or institution providing such funding determines that such project is
920 consistent with the plan of conservation and development, adopted
921 under section 8-23 of the general statutes, as amended by this act, of
922 the municipality in which such project is located and that such project
923 (1) enhances other activities targeted by state agencies, departments
924 and institutions to a municipality within the priority funding area, (2)
925 is located in a distressed municipality, as defined in section 32-9 of the
926 general statutes, targeted investment community, as defined in section
927 32-222 of the general statutes, or public investment community, as
928 defined in section 7-545 of the general statutes, (3) supports existing
929 neighborhoods or communities, (4) promotes the use of mass transit,
930 (5) provides for compact, transit accessible, pedestrian-oriented mixed
931 use development patterns and land reuse and promotes such patterns
932 and reuse, (6) creates an extreme inequity, hardship or disadvantage

933 that clearly outweighs the benefits of locating the project in a priority
 934 funding area if such project were not funded, (7) has no reasonable
 935 alternative for the project in a priority funding area in another location,
 936 (8) must be located away from other developments due to its operation
 937 or physical characteristics, or (9) is for the reuse or redevelopment of
 938 an existing site.

939 (c) Not more than one year after the designation of priority funding
 940 areas, and annually thereafter, each department, agency or institution
 941 shall prepare a report that describes grants made under subsection (b)
 942 of this section and the reasons therefor.

943 Sec. 13. (*Effective July 1, 2004*) On and after the approval of the
 944 General Assembly of the boundaries of priority funding areas
 945 pursuant to section 11 of this act, each state agency, department or
 946 institution shall cooperate with municipalities to ensure that programs
 947 and activities in rural areas sustain village character.

948 Sec. 14. (NEW) (*Effective July 1, 2004*) On and after the approval of
 949 the General Assembly of the boundaries of priority funding areas
 950 under section 11 of this act, each state agency and department shall
 951 review regulations adopted in accordance with the provisions of
 952 chapter 54 of the general statutes and modify such regulations to carry
 953 out the purpose of coordinated management of growth-related projects
 954 in priority funding areas.

955 Sec. 15. (NEW) (*Effective July 1, 2004*) The Office of Policy and
 956 Management, within available appropriations, shall coordinate review
 957 of federal projects in relation to their location in priority funding areas
 958 to encourage location in urban areas pursuant to the provisions of
 959 Federal Executive Order 12072-Federal Space Management.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>

Sec. 5	<i>July 1, 2004</i>
Sec. 6	<i>July 1, 2004</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>July 1, 2004</i>
Sec. 12	<i>July 1, 2004</i>
Sec. 13	<i>July 1, 2004</i>
Sec. 14	<i>July 1, 2004</i>
Sec. 15	<i>July 1, 2004</i>

Statement of Legislative Commissioners:

In Subsection (a) of section 2, the phrase "support the viability of transportation options" was replaced with "accommodate a variety of household types and needs" for consistency with subdivision (1) of subsection (d) of section 1.

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Policy & Mgmt., Off.		None	None
Department of Environmental Protection	Various - Cost	Potential Significant	Potential Significant
Department of Economic & Community Development	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill adds certain factors that the Office of Policy and Management (OPM) must consider when it revises the State's Conservation and Development Plan, which results in no additional fiscal impact on the agency. Beginning in January 1, 2005 the bill requires OPM to biennially recommend geographic areas to be designated Priority Funding Areas, which results in no fiscal impact on the agency. The bill requires OPM, within available appropriations, to encourage federal agencies to locate in urban Priority Funding Areas, which results in no fiscal impact to the agency.

Any consultations required by the Departments of Economic and Community Development (DECD) and Environmental Protection (DEP) in developing recommendations for setting of the boundaries of priority funding can be handled within the routine duties of the agencies.

Requiring the review and modification of regulations to carry out the purpose of coordinated management of growth related projects in

priority funding areas could significantly increase costs to the DEP. Depending upon the complexity of the impacted regulations and the number impacted, cost could be significant, in excess of \$100,000. It is also anticipated that DECD would incur minimal costs, under \$5,000, for this process.

Requiring that agencies that provide funds for a growth related project that is not in a priority funding area make various determinations as required in the legislation, and provide the information/justification in an annual report, would increase costs to various agencies. The extent of the costs would depend upon the number and type of grant/loan programs and the financial assistance provided. The DEP could have to make such determinations for municipal recipients under the Clean Water Fund, which is based on its own priority system, resulting in increased costs. The exact impact is not known.

Municipal Impact

The bill requires local and regional planning agencies (RPAs) to consider additional factors when revising their plans of conservation and development, which must be revised by July 1, 2007. Additionally, the bill requires regional planning agencies to determine whether it is prudent and feasible to have mixed use development patterns and determine whether the plan is consistent with the state plan of conservation and development. This is not anticipated to result in a fiscal impact to municipalities. The bill requires municipalities that have a website to post the plan on its website at least 65 days prior to the hearing, which results in no fiscal impact.

Implementation of the priority funding areas could divert grant funds from one municipality to another. The exact impact is not known.

OLR Bill Analysis

sHB 5044

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT**SUMMARY:**

This bill makes many changes in state land use law. It expands the requirements for the state Plan of Conservation and Development (Plan of C&D). It requires regional planning agencies (RPAs) to revise their existing plans of development by July 1, 2007 and at least once every 10 years. It modifies the law adoption process and requires the plans to (1) identify any inconsistencies with six growth management principles, which are included in the current draft state Plan of C&D and (2) note on the record any inconsistencies with the state Plan of C&D and the reasons for them. It expands the contents of local plans of C&D, requires that they address the six growth management principles, modifies the process by which they are adopted, and establishes a process under which anyone may submit a proposal to the planning commission to request a change to the plan.

The bill requires, starting July 1, 2010, the zoning and subdivision regulations and the zoning map be made consistent with the relevant provisions of the local plan of C&D and its map.

Starting July 1, 2010, the bill bars municipalities from approving a petition to change zoning regulations or the zoning map unless the zoning commission finds that the change is consistent with the local plan of C&D. It establishes a process for the commission to determine whether the change is consistent with the plan.

The bill limits the circumstances under which a planning commission must hold a hearing on resubdivision.

The bill establishes a process for Office of Policy and Management (OPM) to designate priority funding areas, subject to legislative approval. It generally restricts state funding for growth-related projects to such areas and establishes new criteria for targeting state funding for such projects.

Finally, the bill requires the OPM secretary, within available funds, to coordinate the review of federal projects in relation to their location in priority funding areas to encourage the location of these projects in urban areas in accordance with a federal executive order.

EFFECTIVE DATE: Upon passage for the provisions on zone changes and subdivisions, July 1, 2004 for the remaining provisions.

STATE PLAN OF C&D

The law requires OPM to prepare the state Plan of C&D for legislative approval every five years. The bill requires that future plans describe the progress made in achieving the goals and objectives of the last plan. Future plans must also:

1. identify areas where it is prudent and feasible to have mixed use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse
2. identify priority funding areas (described below); and
3. identify corridor management areas on either side of a limited access highway or a rail line.

In designating corridor management areas, the OPM secretary must make recommendations that:

1. promote land use and transportation options to reduce the growth of traffic congestion,
2. connect infrastructure and other development decisions,
3. promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing facilities, and
4. increase intermunicipal and regional cooperation.

The bill requires that the secretary post the draft and adopted plans on the state website.

REGIONAL PLAN

By law, regional planning agencies (RPA) must adopt a plan of development. The bill requires that they do so at least once every 10 years. It also requires RPAs to revise their existing plans by July 1, 2007.

The bill requires the plan to identify areas where it is prudent and

feasible to have mixed use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse. It also requires the plan identify any inconsistencies with the following growth management principles:

1. redevelop and revitalize regional centers and areas of mixed land uses with existing or planned physical infrastructure;
2. expand housing opportunities and design choices to support the viability of transportation options;
3. concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse;
4. conserve and restore the natural environment, cultural and historical resources, and traditional rural lands;
5. protect environmental assets critical to public health and safety; and
6. integrate planning across all levels of government to address issues on a local, regional, and statewide basis.

By law, the RPA must hold a public hearing on its draft plan. The bill requires that the RPA post the plan on its website at least 65 days before the hearing. It requires the RPA to submit the draft plan to OPM for findings in the form of comments and recommendations, rather than giving OPM notice of the public hearing. The findings have to include a review of whether the draft is consistent with the state Plan of C&D. The RPA must note on the record any inconsistencies and the reasons for them. The RPA must notify the OPM secretary of any such inconsistencies in the adopted plan and the reasons for them.

The RPA must post the plan its website if it has one.

LOCAL PLANS OF C&D

Contents

By law, a local planning commission must prepare or amend a plan of C&D for its municipality every 10 years. The bill requires the plans to (1) identify where it is feasible and prudent to have mixed use development patterns and land reuse that are compact, transit accessible, pedestrian-oriented and (2) promote such patterns and reuse. The bill requires the commission to consider focusing development and revitalization in areas with existing or planned infrastructure in preparing the plan. It requires the plans, in addition

to their existing components, to provide for a system of thoroughfares, parkways, bridges, streets, sidewalks, and other public ways as appropriate, rather than just including the commission's recommendations for these facilities. It allows the plan to include the commission's recommendations for corridor management areas and proposed funding areas (described below).

By law, the plan must include the commission's recommendations for how the land in the municipality should be used. The bill explicitly requires that the plan include a map with such proposed uses. It also specifically allows the plan to include the commission's recommendations regarding the location, relocation, and improvement of schools (the provision already applies to public buildings).

Under current law, the local commission must note any inconsistencies with the state Plan of C&D. The bill instead requires the local to note any inconsistencies with the six growth management principles listed above.

Adoption Process

By law, the commission must hold a hearing on the plan. The bill requires that the commission submit the plan to the RPA 35, rather than 65, days before the hearing on adopting the plan. It also requires the commission to post the draft plan on the municipality's website (if there is one) by the new deadline. The bill requires the RPA's advisory report back to the commission to include findings regarding the local plan's consistency with the state Plan of C&D, the regional plan of development, and the local plans of C&D of other municipalities in the RPA's area.

The bill explicitly allows the commission to revise its plan in accordance with the RPA's report.

The bill eliminates:

1. the requirement for the commission to submit the plan to the municipality's legislative body for its review at least 65 days before the public hearing,
2. the legislative body's authority to hold a hearing on the plan at this stage and the requirement that the body submit its comments to the commission before the hearing on the plan's adoption,
3. the provision that deems the legislative body's failure to report

- before by the hearing date as its approval of the plan, and
4. the legislative body's authority to hold a hearing on the adopted plan and to adopt a resolution on endorsing the plan.

Instead, the bill allows the commission to revise its draft plan after its public hearing and requires that the proposed final plan be submitted to the legislative body for its endorsement. The legislative body must endorse or reject the plan or parts of it. It may submit comments and recommended changes to the commission.

In town-meeting towns, the proposed final plan goes to the board of selectmen, which may hold a hearing on it. The town meeting may endorse or reject the plan or parts of it and submit comments and recommendations on it. (The bill is silent on whether municipalities with other forms of government can hold a hearing on the plan and their deadlines for acting on it.)

By law, even if the legislative body does not endorse all or part of the plan, the commission can still adopt it by a vote of at least two-thirds of its members.

Once the plan is adopted, it must be posted on the municipality's website (if there is one). The commission must notify the OPM secretary of any inconsistencies between the final plan and the state Plan of C&D and the reasons for them.

Amendments to the Plan

The bill allows anyone to submit a proposal to the commission to request a change to the plan. The proposal must be in writing and on a form prescribed by the commission. The commission must decide whether to hold a hearing on the proposal within 35 of receiving it. It must hold a hearing if it receives a petition signed by 20% of the owners of lots (1) in the area affected by the proposal or (2) abutting this area. The commission also must hold a hearing if it determines that it is in the public interest.

The commission must approve, deny, or modify the proposal by the deadline that already applies to other petitions (usually 65 days after the hearing ends). If the commission determines at any time that the proposal would be a significant change to the policies and goals of the local plan, it must consider the proposal in the way discussed below.

ZONING REGULATIONS

Under current law, zoning commissions must consider the local plan in making decisions about zoning regulations and zoning district boundaries. The bill requires that by July 1, 2010 the regulations and maps be made consistent with the recommendations of the local Plan of C&D regarding zoning and the plan's proposed land use map. It requires that zoning commissions establish procedures for decisions on petitions to change zoning regulations and zoning boundaries that would require an amendment to the local plan.

Changes to Zoning Regulations or Maps

On and after July 1, 2010, the bill bars a zoning commission or combined planning and zoning (P&Z) commission from approving a petition requesting a change in the regulations or zone boundaries unless the commission determines that the change is consistent with the local plan. The bill provides for different procedures, depending on whether the municipality has P&Z commission or a separate zoning commission.

If the municipality has a P&Z commission, the commission must make the determination on consistency within 35 days after receiving the petition. If it determines that the petition is inconsistent with the local plan, it must prepare an amendment to the plan and submit it to the RPA for review and comment. The RPA must follow the procedures described above under the discussion of local plans of C&D.

The commission must hold a hearing on the proposed amendment if it receives a petition signed by 20% of the owners of lots (1) in the area affected by the proposal or (2) abutting this area. It also must hold a hearing if it determines that it is in the public interest. If the commission holds a hearing under these provisions, it does not have to hold the hearing required under current law regarding zoning regulation changes.

The commission must act on the petition within 35 days of completing the hearing. If the commission determines at any time that the petition would require changes to the local plan that would significantly change its goals and policies, the commission has to treat it under the bill's procedures governing changes to the plan.

The commission can approve, deny, or modify the proposed amendment. If it approves or modifies the amendment, it must determine that the petition is consistent with the plan and may approve it. If the commission denies the amendment, it must reject the petition.

If a municipality has a separate zoning commission, a somewhat different approval process applies. The zoning commission must submit the petition to the planning commission within 35 days of receiving it. The planning commission must determine whether the petition is consistent with the local plan and notify the zoning commission of its determination within 35 days of making it.

If the planning commission determines that the petition is not consistent with the local plan, it must prepare an amendment to the plan and submit the amendment to the RPA for its review, as described above. The zoning and planning commissions must hold a joint hearing if either commission receives a petition signed by (1) 20% of the residents in the area affected by the proposal or (2) 20% of the lot owners abutting this area. It also must hold a hearing if either commission determines that this is in the public interest. If the joint hearing is held, the zoning commission does not have to hold the hearing required under current law for a zoning change.

The planning commission has to make its determination on the plan amendment within 35 days of completing it and must notify the zoning commission of its decision within 35 days of making it.

If the commissions jointly decide that the petition would require changes in the local plan that would be a significant change to its policies and goals, the planning commission must consider the amendment.

The planning commission may approve, deny, or modify the amendment. If it approves or modifies the amendment, the zoning commission must determine that the petition is consistent with the local plan and may approve the petition. If the planning commission denies the amendment, the zoning commission must reject the petition.

SUBDIVISION REGULATIONS

The bill requires planning commissions to review and revise, as necessary, their subdivision regulations starting July 1, 2010 to make them consistent with the local plan's map and recommendations regarding subdivisions.

Current law requires public hearings on resubdivisions and allows the commission to hold a hearing on any subdivision proposal if it believes that the circumstances warrant a hearing. The bill instead requires a hearing on either if (1) the commission decides this is in the public interest or (2) a petition is submitted to the commission signed by 20% of the lot owners in the affected area or (b) 20% of the owners of lots within 300 feet of the affected area.

PRIORITY FUNDING AREAS

Designation

Under the bill, by January 1, 2005 and every two years thereafter, the OPM secretary must develop recommendations for setting and revising boundaries for priority funding areas. He must consult with the economic and community development, environmental protection, administrative services, and transportation commissioners in doing this.

In making his recommendations, the secretary must consider:

1. regional centers, growth areas, neighborhood conservation areas, and rural community centers as designated in the state Plan of C&D;
2. redevelopment areas distressed municipalities, targeted investment communities, public investment communities, and enterprise zones; and
3. corridor management areas identified in the state Plan of C&D.

The secretary must submit his recommendations to the Continuing Legislative Committee on State Planning and Development for its review. The committee must report its recommendations to the legislature by February 15, 2005 and every five years thereafter. The boundaries of the priority funding areas become effective upon the approval of the legislature.

Once the areas are designated, each state agency and department must

review its regulations and modify them to carry out coordinated management of growth-related projects in priority funding areas. Each agency, department, and institution must cooperate with municipalities to ensure that programs and activities in rural areas sustain village character.

State Funding for Growth-Related Projects

Once the boundaries are established, state agencies, departments, and institutions generally cannot provide funding for growth-related projects outside of the priority funding areas. Funding includes any form of assurance, guarantee, grant, credit, tax credit, loan, loan guarantee, or reduction in the principal or interest rate on all or part of a loan.

Growth-related projects are those that include:

1. acquisition of real property , other than open space for conservation or preservation purposes, with an acquisition cost over \$100,000;
2. development or improvement of real property where the development costs exceed \$100,000; and
3. acquisition of public transportation facilities or equipment costing more than \$100,000;

Growth-related projects also include the authorization of state grants of more than \$100,000, if the grant application is not pending on July 1, 2005, to (1) acquire, develop, or improve real property or (2) acquire public transportation equipment or facilities.

Such grants are not considered growth-related projects if they are for:

1. maintaining, repairing, adding to, or renovating existing facilities;
2. acquiring land for telecommunications towers whose primary purpose is public safety;
3. parks, conservation and open space;
4. acquiring agricultural, conservation, and historic easements;
5. housing that the economic and community development commissioner determines will promote fair housing choice and racial and economic integration; and
6. projects at an existing facility that needed to comply with state environmental or health standards.

In addition, grant funding by the Department of Economic and Community Development (DECD) is not considered a growth-related

project under certain circumstances. To be exempt, the grant must be used for a project (1) financed with federal funds to purchase or rehabilitate existing single or multifamily housing or (2) financed by revenue bonds. In addition, the DECD commissioner must determine that applying of these sections of the bill would (1) conflict with state or federal law regarding the issuance or tax-exempt status of bonds or a provision of a trust agreement between DECD and trustees or (2) prohibit financing of an existing project or financing provided to cure or prevent a default under existing financing.

Funding Projects Outside of Priority Funding Areas

State funding of growth-related projects is allowed outside of priority funding areas if the head of the funding agency determines that it is consistent with the local Plan of C&D and that the project:

1. enhances other activities targeted by state agencies, departments, or institutions to a municipality within a priority funding area;
2. is located in a distressed municipality, targeted investment community, or public investment community;
3. supports existing neighborhoods or communities;
4. promotes the use of mass transit;
5. provides for mixed use development patterns and land reuse that is compact, transit accessible, and pedestrian oriented, and promotes such patterns and land reuse;
6. has no reasonable alternate site in a priority funding area;
7. must be located away from other developments due to its operational or physical characteristics; or
8. is for the reuse or redevelopment of an existing site.

In addition, it appears that the bill allows for funding projects outside of priority areas if the extreme inequity, hardship, or disadvantage of not funding the projects clearly outweighs the benefits of locating the project within such areas.

Within one year after the areas are designated and annually thereafter, every department, agency, and institution must prepare a report that describes grants for growth-related projects made under these provisions.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 12 Nay 4